

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JASON SMITH,
Plaintiff,

v.

SHAWN HATTON, et al.,
Defendants.

Case No. 17-04030 BLF (PR)

**ORDER GRANTING MOTION
REGARDING DISCOVERY;
DISMISSING CLAIM AGAINST
DEFENDANT HATTON AND
TERMINATING DEFENDANTS**

(Docket No. 69)

Plaintiff, a California inmate, filed a *pro se* civil rights complaint under 42 U.S.C. § 1983, against Defendants at the Correctional Training Facility (“CTF”). The Court ordered further briefing on newly-identified Fourth and Fourteenth Amendment claims such that Defendants’ dispositive motion is due no later than February 13, 2019. (Docket No. 66.) Plaintiff has filed a motion for leave to serve additional discovery. (Docket No. 69.) Good cause appearing, the motion is **GRANTED**. Discovery may be taken in accordance with the Federal Rules of Civil Procedure. No further court order under Federal Rule of Civil Procedure 30(a)(2) or Local Rule 16-1 is required before the parties may conduct discovery.

The Court dismissed with leave to amend an Eighth Amendment claim against Defendant Hatton on November 15, 2018. (Docket No. 67 at 20.) Plaintiff was advised


1 that if he failed to file an amendment to the complaint within twenty-eight days of the
2 order to state sufficient facts to state an Eighth Amendment claim against Defendant
3 Hatton, the defendant would remain dismissed from this action and the dismissal would be
4 without leave to amend. (*Id.*) The time has passed and Plaintiff has neither filed such an
5 amendment nor filed a motion for an extension of time to do so. Accordingly, the Eighth
6 Amendment claim against Defendant Hatton is DISMISSED without leave to amend. The
7 Clerk shall terminate Defendant Hatton from this action.

8 The only remaining claims are against Defendants Brown, Patterson, Rodriguez,
9 and Salas. (Docket No. 66 at 2.) Accordingly, the Clerk shall terminate Defendants V.
10 Khan and Sgt. Kelly from this action as the claims against them have been dismissed with
11 prejudice. (Docket No. 67 at 20.)

12 This order terminates Docket No. 69.

13 **IT IS SO ORDERED.**

14 Dated: January 8, 2019


BETH LABSON FREEMAN
United States District Judge